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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,705	01/14/2004	Harry J. Last	DEN-1693.19	6556

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EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,705	Applicant(s) LAST, HARRY J.	
	Examiner Robert M. Fetsuga	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3751

1. Originally filed claims 13, 13-18 must be renumbered as claims 13, 14-19, respectively, in accordance with 37 CFR 1.126.
2. The drawings are objected to because reference numeral "101" apparently should be deleted from Figs. 1A and 1B, reference numeral "302" (upper) apparently should be --304-- (pg. 13 ln. 22) in Figs. 1A and 1B, reference numeral "106" apparently should be --206-- (pg. 14 ln. 7) in Fig. 3, reference characters "AA", "BB", "CC" and "DD" (pg. 14 lns. 9, 16, 18 and 25) are missing, reference character "EE" (pg. 15 ln. 6) is missing, and reference numerals "506" and "420" (pg. 17 lns. 8 and 24) are missing.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "actuator" set forth in claims 3 and 4, subject matter set forth in claims 15 and 16, "central shaft" set forth in claim 17, and "method" set forth in claim 19, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant is required to submit a proposed drawing correction in response to this Office action. Any proposal by applicant for amendment of the drawings to cure defects must consist of two parts:

a) A separate letter to the draftsman in accordance with MPEP 608.02(r); and

b) A print or pen-and-ink sketch showing changes in red ink in accordance with MPEP 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office action, and may not be deferred.

3. The disclosure is objected to because of the following informalities: Page 12, lines 8 and 17, reference numeral "112" denotes different elements; page 14, line 7, and page 16, line 6, reference numeral "356" denotes different elements; page 15, line 10, "314" apparently should be --318--; and page 17, line 23, "106" apparently should be --206--.

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the "coupled directly" limitation set forth in claim 15, "gear assembly" set forth in claim 16, "mechanical linkage" set forth in claims 17 and 19, and "method" steps set forth in claim 19, could not be

Art Unit: 3751

found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

5. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "rotating the wheels ... thereby causing the cover drum enclosure to travel". Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. Page 14, lines 7-20, disclose wheels 310,312 as rotating in the same direction. This does not appear possible given the illustration in Fig. 3. Claims 7, 17 and 19 include a similar recitation.

6. Claims 1-6, 8-13 and 16-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "an actuator ... for rotating the wheels". The only actuator eluded to in the specification is the "master

Art Unit: 3751

hydraulic fluid valve/rotor cap/diverter valve assembly 420

which serves to distribute actuation..." (pg. 17 ln. 24).

Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. Claims 8, 9, 17 and 19 include a similar recitation.

7. Claims 6 and 9-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 6 recites "the actuator is also connected to the central drive shaft...". Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. Claim 9 includes a similar recitation.

8. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "the cylinder piston rod is coupled directly to the drive cable." Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner.

Art Unit: 3751

9. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "the cylinder piston rod is coupled to the drive cable via gear assembly." Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner.

10. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is unclear as to whether the "central drive shaft" is intended to be part of the claimed combination since structure of the "traveling drum enclosure" is defined as being connected thereto (ln. 2), but no positive structural antecedent basis therefor has been defined.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 3751

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-6 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Vorbach et al.

The Vorbach et al. (Vorbach) reference (Fig. 8) discloses a traveling drum enclosure comprising: a drum enclosure 45 including a plurality of wheels 47; an actuator 15; a drive cable 35; a central drive shaft (connected to 38); a remote power pack (paragraph 27, lines 13-19), as claimed. Re claims 2 and 3, note paragraph 27, lines 11-13.

13. Claims 1-6 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vorbach and Varnado.

Although the Vorbach traveling drum enclosure may not include a drum enclosure, as disclosed, attention is directed to the Varnado reference which discloses an analogous traveling drum enclosure which further includes a drum enclosure 12. Therefore, in consideration of Varnado, it would have been

Art Unit: 3751

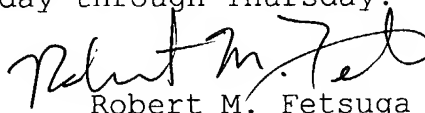
obvious to one of ordinary skill in the art to associate a drum enclosure with the Vorbach traveling drum enclosure in order to facilitate cleaning a cover.

14. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vorbach alone, or taken with Varnado as applied to claims 1, 17 and 19 above, and further in view of Janetzko et al.

Although the Vorbach hydraulic fluid actuator may not include a cylinder/rod, as claimed, attention is directed to the Janetzko et al. (Janetzko) reference which discloses an analogous hydraulic fluid actuator which further includes a cylinder/rod 3,4. Therefore, in consideration of Janetzko, it would have been obvious to one of ordinary skill in the art to associate a cylinder/rod with the Vorbach hydraulic fluid actuator in order to utilize a common hydraulic fluid actuator.

15. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

16. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 703/308-1506 who can be most easily reached Monday through Thursday.



Robert M. Fetsuga
Primary Examiner
Art Unit 3751